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OFFICE OF PETITIONS

In re Application of :
Miller, et al. :
Application No. 10/711,126 : **DECISION ON PETITION**
Filed: August 25, 2004 :
Attorney Docket No. SIFT0305-01 :

This is a decision on the paper filed July 15, 2005, which is being treated as a renewed request that the "Notice of Omitted Item(s) in a Nonprovisional Application" mailed September 29, 2004 be withdrawn.

The petition is **DISMISSED**.

The application was filed on August 25, 2004. However, on September 29, 2004, the Initial Patent Examination Division mailed a "Notice of Omitted Item(s) in a Nonprovisional Application". The Notice informed applicant that the application had been accorded a filing date. However, Figures 7b and 7C as described in the specification appeared to have been omitted.

In response, inventor Harry Funk filed a petition on November 9, 2004. Petitioner explained that Figures 7B and 7C were in fact missing on August 25, 2004 - more specifically, the specification erroneously contained a reference to these Figures. Petitioner submitted a substitute specification removing the reference to Figures 7B and 7C. However, the petition was dismissed in a decision mailed on May 18, 2005, because the petition was not signed by all of the inventors, a registered attorney or agent, or an assignee.

On request for reconsideration, petitioner has submitted a proper 37 CFR 3.73(b) statement.

The matter is being forwarded to the Office of Initial Patent Examination for processing, using the application papers filed on August 25, 2004, and the substitute specification filed on November 9, 2004.

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3207.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions